

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA
AT OMAHA, NEBRASKA

GUILLERMO HERRERA, III,

Case No.: 8:15-cv-426-JMG-CRZ

Plaintiff,

vs.

UNION PACIFIC RAILROAD COMPANY, a
Delaware corporation,

**DEFENDANT'S ANSWERS AND
OBJECTION TO PLAINTIFF'S
SIXTH SET OF
INTERROGATORIES**

Defendant.

COMES NOW the Defendant, UNION PACIFIC RAILROAD COMPANY ("Union Pacific") and for its Answers and Objections to Plaintiff's Sixth Set of Interrogatories, states and alleges as follows:

INTERROGATORY NO. 30.: From a review of "Carlos Diaz Cell Phone" records, (UP Herrera 005078), the following questions arise:

a) Please state the name and job title or job description on July 26, 2015, and reason why Charles Diaz called this person, for the following phone numbers:

1. (402) -9845
2. (402) -2582
3. (760) -9863
4. (480) -2822
5. (530) -8245
6. (520) -2521

7. (402) -2000
8. (402) -9590
9. (785) -3102
10. (785) -3724
11. (480) -2822
12. (520) -1043

ANSWER: Objection. Defendant objects to this interrogatory as vague, overly broad, unduly burdensome and seeks information which is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further states that counsel for plaintiff has already conducted exhaustive discovery of the facts and events surrounding the subject incident, including serving countless interrogatories and supplemental interrogatories, and numerous requests for production and supplemental requests for production of documents. Plaintiff has already taken the deposition of Carlos Dias and specifically questioned, or has had the opportunity to question, Mr. Diaz regarding the events of July 26, 2015, all telephone calls he made, and the contents of the conversations. Further, Plaintiff has taken the depositions of plaintiff's co-workers, supervisors and managers who were present at the scene or involved with the subject incident, including Michael Rolow, Joe Linford, Bobby Herrera, Bobby Steely, Scott Nicholson, Logan Newman, Braden Bradley, Jeremy Marsing, Dennis Dickison, Charles Turner, and a corporate deposition of Union Pacific. Defendant therefore further objects as plaintiff's continuing and exhaustive discovery on the same and similar issues has become oppressive and is causing undue

burden and expense. Subject to the foregoing objections, and without waiver of same, except as noted below Mr. Diaz cannot recall the reason for his conversations with the individuals listed herein.

1. (402) -9845. This telephone number belongs to Scott Nicholson, Assistant Foreman on the day of the alleged illness.
2. (402) -2582. This telephone number belongs to Matthew Hughes, Gang Timekeeper on the day of the alleged illness.
3. (760) -9863. Mr. Diaz does not recognize this telephone phone number. However, the number (760) -9863 belongs to Angel Zabalza, an ARSA who works with Mr. Diaz.
4. (480) -2822. This telephone number belongs to Mr. Diaz's wife.
5. (530) -8245. This telephone number belongs to Howard Shephard, a Truck Foreman who works for Mr. Diaz.
6. (520) -2521. This telephone number belongs to Mr. Diaz's mother.
7. (402) -2000. Mr. Diaz received an incoming call from this number. Although Mr. Diaz does not have an exact recollection of the call, he believes it may have been a confirming call from Union Pacific's Response Management Communications Center on July 26, 2015.
8. (402) -9590. This telephone number belongs to Midland Drug Testing, the company Mr. Diaz would have called for a drug screening for Mr. Herrera on the evening of July 26, 2015.
9. (785) -3102. While Mr. Diaz does not recognize this telephone number, he believes it could belong to an employee of Midland Drug Testing who was traveling to the Onaga, Kansas hospital to conduct the drug screening for Mr. Herrera on the evening of July 26, 2015. Mr. Diaz does recall that the drug screener became lost while traveling to Onaga, KS and that he spoke to her several times before she arrived.
10. (785) -3724. Mr. Diaz received an incoming call from this number. Union Pacific records indicate that this telephone number belongs to Michael Blue, a Mechanical Foreman. However, Mr. Diaz does not recognize the name Michael Blue or the telephone number and does not recall why Mr. Blue would have placed a call to him on July 26, 2015.
11. (480) -2822. Duplicate. See above.

12. (520) -1043. This telephone number belongs to George Nelson, an ARSA who works with Mr. Diaz.

UNION PACIFIC RAILROAD COMPANY, A
Delaware corporation, Defendant,

By: /s/ David J. Schmitt
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ITS ATTORNEYS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Answers and Objections to Plaintiff's Sixth Set of Interrogatories were served upon the following attorneys designated below by email this 2nd day of February, 2017:

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/s/David J. Schmitt
David J. Schmitt